

IC 3-7-38.2

Chapter 38.2. Other Voter List Maintenance Programs

IC 3-7-38.2-1

Removal of ineligible voters from lists

Sec. 1. As required under 42 U.S.C. 1973gg-6(a)(4), each county voter registration office shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to a change of residence of the voter.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-2

Requirements for voter list maintenance programs; county voter registration office voter list maintenance programs

Sec. 2. (a) A voter list maintenance program conducted under this chapter or before January 1, 2006, IC 3-7-38.1 must be:

- (1) uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and
- (3) completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices.
- (3) The return of a mailing sent by the county voter registration office to all voters in the county.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
- (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date by which the card must be returned or the

voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.63; P.L.14-2004, SEC.49.

IC 3-7-38.2-3

Removal of name from registration record during 90 day period before election

Sec. 3. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter and before January 1, 2006, IC 3-7-38.1 do not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary, general, or municipal election due to any of the following in accordance with this article:

(1) The written request of the voter.

(2) Disenfranchisement due to criminal conviction and incarceration.

(3) The death of the voter.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.64.

IC 3-7-38.2-4

Correction of registration records

Sec. 4. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter and before January 1, 2006, IC 3-7-38.1 do not prevent the

correction of voter registration records under this article.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.65.

IC 3-7-38.2-5

Submission of names to change of address service

Sec. 5. To assist in performing voter list maintenance under this chapter and before January 1, 2006, to supplement the duplicate voter registration elimination program under IC 3-7-38.1, the NVRA official may submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under:

- (1) IC 3-7-26 before January 1, 2006; and
- (2) IC 3-7-26.3 after December 31, 2005.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.66.

IC 3-7-38.2-6

Voters who no longer reside at submitted address

Sec. 6. If the names of voters are submitted under section 5 of this chapter, the NVRA official shall request that the United States Postal Service indicate the voters who no longer reside at the submitted address. However, the NVRA official shall also request that a voter who:

- (1) has a temporary forwarding order in effect;
- (2) is an absent uniformed services voter; or
- (3) is an overseas voter;

not be included in the list of voters who no longer reside at the submitted address.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-7

Use of postal service's change of address information

Sec. 7. As permitted under 42 U.S.C. 1973gg-6(c)(1), the NVRA official (or a contractor retained by the election division under this chapter) shall use change of address information supplied by the United States Postal Service through the Postal Service's licensee to identify a voter whose residence may have changed.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-8

Notice to county voter registration offices of changes in residence

Sec. 8. The NVRA official shall notify each county voter registration office whose residences may have changed according to information supplied under this chapter.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-9

Registration records for overseas or uniformed services voters

Sec. 9. (a) This section applies to an absent uniformed services voter or an overseas voter with an address in the county's voter registration record that does not include an "APO" designation.

(b) If a county voter registration office:

(1) is advised under this chapter that the voter's residence may have changed; and

(2) determines that the voter is subject to this section;

the voter registration office may disregard the notification of change of residence and is not required to act under this chapter concerning the voter's registration.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-10**Change in registration record**

Sec. 10. (a) As provided in 42 U.S.C. 1973gg-6(c)(1)(B)(i), if the county voter registration office determines from information provided under this chapter that a voter has moved to an address different from the address where voter is currently registered, the voter registration office shall:

(1) change the registration record to show the new address; and

(2) send the voter a notice of the change;

if the information provided under this chapter includes a forwarding address.

(b) If the information provided under this chapter:

(1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and

(2) does not include a forwarding address;

the county voter registration office shall indicate on the registration record that the voter is an inactive voter at that address and shall remove the voter's name from the registration rolls under the procedures of this chapter if the voter has not voted, appeared to vote, or has failed to correct the voter registration record within the period described in section 14(2)(B) of this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.15.

IC 3-7-38.2-11**Notice to county voter registration offices of change in residence; requirements**

Sec. 11. The notice under section 8 of this chapter must be:

(1) a postage prepaid pre-addressed return form that permits the voter to verify or correct the address information; and

(2) sent by forwardable mail.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-12**Change of address to residence outside county**

Sec. 12. As provided in 42 U.S.C. 1973gg-(6)(c)(1)(B)(ii), if the county voter registration office determines from information

provided under this chapter that a voter has moved to a different residence address that is not located in the same county in which the voter is currently registered, the voter registration office shall cancel the voter's registration if the change of address to a residence outside the county is confirmed.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-13

Notice to voter after change in residence

Sec. 13. After the county voter registration office has determined under this chapter that a voter's residence may have changed, the election division shall send a notice to the voter that sets forth substantially the following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

(1) If the voter did not change the voter's residence or changed the residence but remained in the same county where the voter was listed on the voter registration record, the voter must return the card enclosed with the notice in person to the county voter registration office not later than twenty-nine (29) days before the election or by regular United States mail:

(A) with a postmark not later than twenty-nine (29) days before the election; or

(B) if a postmark is missing or illegible, to the county voter registration office not later than twenty-one (21) days before the election.

(2) If the card is not returned under subdivision (1), the voter must affirm or confirm the voter's address before the voter is permitted to vote in an election during the period:

(A) beginning on the date of the notice; and

(B) ending on the day after the date of the second general election scheduled to occur after the date of the notice.

(3) If the voter does not vote in an election described in subdivision (2), the voter's name will be removed from the voter registration list.

(4) If the voter changed residence to a place outside the county in which the voter is included on the voter registration list, information concerning how the voter can continue to be eligible to vote in the county where the voter currently resides.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.16; P.L.14-2004, SEC.50.

IC 3-7-38.2-14

Removal of name from registration records due to change in address or failure to vote or respond to notice

Sec. 14. As required under 42 U.S.C. 1973gg-6(d)(1), a county voter registration office shall not remove the name of a voter from the voter registration records due to the voter's change of residence unless the voter:

(1) confirms in writing that the voter has changed residence to a location outside the county in which the voter is currently

registered; or

(2) has:

(A) failed to respond to a notice sent under section 13 of this chapter; and

(B) not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:

(i) beginning on the date of the notice; and

(ii) ending on the day after the date of the second general election that occurs after the date of the notice.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-15

Cancellation of registration

Sec. 15. At the expiration of the period ending thirty (30) days after the second general election following the date on which notices are mailed to a voter described in section 14(2) of this chapter, the county voter registration office shall cancel the registration of a voter who has not responded to the notice sent under section 13 of this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.17.

IC 3-7-38.2-16

Residency confirmation and outreach procedure

Sec. 16. The NVRA official may also conduct an annual residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) may send a mailing by U.S. mail, postage prepaid, to each voter in Indiana who has not received a mailing under any other provision of this chapter.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-17

Residency confirmation and outreach procedure; removal of name from registration records

Sec. 17. The mailing sent under section 16 of this chapter must inquire whether the voter still resides at the residence address indicated on the person's voter registration. If the postcard is returned as undeliverable and the voter does not vote in either of the two (2) general elections following the mailing of the postcard, the county voter registration office shall remove the voter's name from the list of registered voters at the expiration of the period ending thirty (30) days after the second general election following the date on which notices are mailed to a voter under section 16 of this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.18.